

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

MELISSA FLORES ZUNIGA,
Plaintiff,

v.

GREAT LAKES REINSURANCE (UK), PLC
Defendant.

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CASE NO. 7:15-cv-408

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

GREAT LAKES REINSURANCE (UK) SE, formally known as Great Lakes Reinsurance (UK), PLC, Defendant in a cause styled *Melissa Flores Zuniga v. Great Lakes Reinsurance (UK) PLC*, originally pending as Cause No. C-4237-15-B in the 93rd Judicial District Court of Hidalgo County, Texas, hereby respectfully files this Notice of Removal to the United States District Court for the Southern District of Texas, McAllen Division, and as grounds therefore would respectfully show the Court as follows:

I. GROUNDS FOR REMOVAL

1. This case is removable to this Court based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

2. Plaintiff, Melissa Zuniga, ("Plaintiff"), is an individual residing in Hidalgo County, Texas.

3. Great Lakes is a foreign insurance company and maintains its principal place of business in the United Kingdom.

4. As described more fully below, Plaintiff seeks to recover an amount in excess of \$75,000.00, excluding interest and costs, from Great Lakes in a state court action.

II. NATURE OF THE PENDING STATE CASE

5. On or about August 14, 2015, Plaintiff filed a civil action against Defendant styled *Melissa Flores Zuniga v. Great Lakes Reinsurance (UK) PLC* under Cause No. C-4237-15-B, in the 93rd Judicial District Court of Hidalgo County, Texas.

6. That matter is an insurance dispute, wherein Plaintiff alleges in her Original Petition that her property, located at 7728 Villa Roma Street, Mission, Texas 77041, and insured under a policy issued by Defendant, sustained significant damage during a wind and/or hail storm occurring on or about March 26, 2015. Plaintiff further alleges, *inter alia*, that Defendant breached that contract of insurance with Plaintiff, along with the duty of good faith and fair dealing, in Defendant's investigation and handling of Plaintiff's claims.

7. The name and address of the court from which the case is being removed is:

93rd Judicial District Court
Hidalgo County Courthouse
100 N. Closner
Edinburg, Texas 78539

8. Defendant has attached hereto the documents required to be filed with this Notice of Removal.¹

III. JURISDICTION

9. Pursuant to 28 U.S. Code § 1441(a), Defendant removes this action to the District Court of the United States for the Southern District of Texas, McAllen Division, because it is the District and Division embracing the place where such action is pending. In support thereof, Defendant would show that this action is between citizens of different states, and the amount in controversy exceeds \$75,000.00.

¹ Plaintiff's Original Petition and Process, attached hereto as Exhibit "A;" Case Summary from the state action, attached hereto as Exhibit "B;" List of All Counsel of Record, attached hereto as Exhibit "C"; and An Index of Matters being filed, attached hereto as Exhibit "D".

10. Plaintiff, a resident of Texas², brought suit against Great Lakes, an insurance company domiciled in the United Kingdom, seeking recovery for these alleged property damages, as well as for treble damages, statutory damages, and attorneys' fees, in excess of \$100,000.00.³

11. Because Plaintiff and Defendant are citizens of different states and because Plaintiff seeks to recover an amount exceeding \$75,000.00 exclusive of interest and costs, removal is therefore proper under 28 U.S.C. § 1332(a).

IV. TIMING OF REMOVAL

12. Defendant was served with Plaintiff's Original Petition on or about August 31, 2015. This Notice of Removal is being filed within 30 days of service of the petition upon Defendant pursuant to 28 U.S.C. § 1446(b).

13. This Notice is filed less than one year after commencement of the action, pursuant to 28 U.S. Code § 1446(c).

14. This Notice is therefore timely filed.

V. NOTICE TO ADVERSE PARTIES AND STATE COURT

15. As the removing party, Defendant will give Plaintiff prompt written notice of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

16. Defendant will also file a copy of this Notice of Removal with the 93rd Judicial District Court of Hidalgo County, Texas, where the state court action is currently pending, as required by 28 U.S.C. § 1446(d).

² Exhibit "A," at pg. 1, ¶ 2.

³ Exhibit "A," at pg. 10 ¶51.

VI. JURY DEMAND

17. Defendant hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

VII. ANSWER

18. Great Lakes has not filed any responsive pleadings in the state court action, except the Notice of Removal as required by the Federal Rules of Civil Procedure. Great Lakes will file its Answer to Plaintiff's lawsuit in the near future.

VIII. CONCLUSION AND PRAYER

19. In light of the foregoing, Defendant respectfully removes this civil action styled *Melissa Flores Zuniga v. Great Lakes Reinsurance (UK) PLC*, originally pending as Cause No. C-4237-15-B in the 93rd Judicial District Court of Hidalgo County, Texas.

20. Defendant prays for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

/s/ Les Pickett

Les Pickett

"Attorney-in-Charge"

State Bar No. 15980520

Federal Bar No. 14306

Holly J. Sheffield

"Of Counsel"

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served to the following via U.S. Mail, return receipt requested on September 28, 2015:

Via CMRRR: 9171 9690 0935 0105 7125 53

Kevin S. Baker
Mahsa Tajipour
Ketterman Rowland & Westlund
16500 San Pedro, Suite 302
San Antonio, Texas 78232

/s/ Holly J. Sheffield

Les Picket
Holly J. Sheffield